

Article 3 - Administrative Services (Language taken from Caro Charter Chapter 7)

Section 3.01 – Administrative Officers Generally

The administrative officers of the city shall be the City Manager, City Clerk, City Treasurer, City Assessor and City Attorney. The City Council may by ordinance or resolution, establish such additional administrative officers or departments, or combine any administrative officers or departments, in any manner not inconsistent with law or this charter, and prescribe the duties and compensation thereof as it may deem necessary for the proper operation of the city department.

Section 3.02 – Personnel System

- (a) All appointment and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- (b) Consistent with all applicable federal and state laws, the City Council may provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

Section 3.03 – City Manager

- (a) The City Manager shall be the chief administrative officer of the city. The Council shall appoint him or her on the basis of education, ability, training and experience.
- (b) The Council shall appoint a City Manager within one-hundred eighty (180) days after any vacancy exists in such position. The Council may, upon majority vote, extend this period up to an additional one-hundred eighty (180) days. The Council may appoint an interim manager during the period of a vacancy in the office.
- (c) The City Manager, with the consent and approval of the Council, may designate an administrative officer or employee of the city to act as City Manager if he or she is temporarily absent from the city or unable to perform the duties of the office.
- (d) The Council shall set the City Manager's term and compensation as part of the employment agreement.
- (e) The Mayor and Council shall review and evaluate the City Manager's performance annually.

- (f) The City Manager serves at the pleasure of the City Council and may be removed by an affirmative vote of not less than five (5) of its members.

Section 3.04 – City Manager – Function and Duties

The City Manager shall be responsible to the Council for the proper management and administration of the affairs of the city. The City Manager shall:

- (a) Appoint and remove employees of the city, make recommendations to the Council relative to the appointment and removal of administrative officers of the city as referenced in Section 3.01, and set employees compensation with the budget adopted by the Council.
- (b) Supervise and coordinate the work of all the administrative offices and departments of the city except the work of the City Clerk, City Treasurer and City Assessor as dictated by state constitution or statute.
- (c) Be the main point of communication and dissemination of information from the City Attorney.
- (d) See that all laws and ordinances enforced.
- (e) Prepare and administer the annual budget under policies formulated by the Council, have budget control responsibility, and keep the Council advised as to the financial condition and needs of the city.
- (f) Furnish the Council with information concerning city affairs and prepare and submit such reports as may be required or which Council may request.
- (g) Make recommendations to the Council relative to all agenda items, except as directly related to the City Manager's employment.
- (h) Subject to any employment ordinance of the city, he or she shall employ or be responsible for the employment of all city employees and supervise and coordinate the personnel policies and practices of the city.
- (i) Establish and maintain or appoint an authorized representative to establish and maintain a central purchasing service and the City Manager shall act as the purchasing agent for the city.
- (j) Attend all meetings of Council with the right to be heard in all Council proceedings but without the right to vote.
- (k) Possess such other powers as may be granted to or required of him or her by Council, so far as may be consistent with the provisions of law.

- (l) Establish any rules necessary to carry out any of the foregoing duties.
- (m) Perform such other duties in connection with the office as may be required by law, ordinance or by City Council

Section 3.05 – Relocated to 3.03 – will be renumbered in the final version

Section 3.06 – City Clerk

The City Clerk shall be appointed by the City Manager with advice and consent of Council. The appointment shall be made on the basis of education, ability, training and experience. The City Clerk shall:

- (a) Be the clerical officer of the Council and keep its journal in English.
- (b) Keep a record of all actions of the Council at its regular and special meetings.
- (c) Certify all ordinances and resolutions adopted by the Council.
- (d) Have the power to administer all oaths required by law and by the ordinances of the city and shall be custodian of the city seal, and shall affix the same to documents required to be sealed.
- (e) Be the custodian of all papers, documents, and records pertaining to the city, which are not entrusted to some other city officer or department by city charter, ordinance or law. All records of the city shall be made available to the general public in compliance with the Michigan Freedom of Information Act.
- (f) Shall give the proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the city is a part and shall notify the Council of failure of any officer or employee required to take an oath of office or furnish any bond required of him or her.
- (g) Be the chief election officer for the city.
- (h) Perform such other duties in connection with the office as may be required by law, ordinance or resolutions of the Council, or by the City Manager.

Section 3.07 – City Treasurer

The City Treasurer shall be appointed by the City Manager with advice and consent of Council. This appointment shall be made on the basis of education, ability, training and experience. The City Treasurer shall:

- (a) Have the custody of all moneys of the city and all evidences of value or indebtedness belonging to or held in trust by the city.
- (b) Keep and deposit all moneys or funds in such manner and only in such places as allowed by the Investment Policy adopted by Council, and shall report the same to the City Manager.
- (c) Have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district, city taxes and other taxing entities' money as are provided by law.
- (d) Disburse all city funds in accordance with provisions of law and this charter.
- (e) Establish and maintain a general accounting plan which will conform to such uniform accounting standards as may be required by law.
- (f) Perform such other duties in connection with the office as may be required by law, the ordinances or resolutions of the Council, or by the City Manager.

Section 3.08 – City Assessor

The City Assessor shall be appointed or contracted for by the City Manager with advice and consent of Council. The selection shall be made on the basis of proper certification by the state assessor's board, education, ability, training and experience. The City Assessor shall:

- (a) Possess all the power vested in and shall be charged with the duties imposed upon the assessing officer of a city by law.
- (b) Make and prepare all regular and special assessment rolls in the manner prescribed by law or ordinances of the city.
- (c) Perform such duties as may be prescribed by law or the ordinances of the city, or by the City Manager.
- (d) Be the secretary of the Board of Review.

Section 3.09 – City Attorney

The City Attorney shall act as legal advisor and be responsible to the Council. The Council shall appoint him or her on the basis of education, ability, training and experience. The City Attorney serves at the pleasure of the City Council and may be removed by an affirmative vote of not less than four (4) of its members.

The City Attorney shall:

- (a) Be the legal advisor and counsel for the city.

- (b) Prepare or review ordinances, regulations, contracts, bonds and other such instruments as may be required by this charter, the Council, or the City Manager and shall promptly give an opinion as to the legality thereof.
- (c) Prosecute ordinance violations and shall represent the city in cases before the courts and other tribunals. In such instances as the Council shall direct, he or she shall defend officers and employees of the city in actions arising out of the performance of their official duties.
- (d) Perform such other duties in connection with the office as may be prescribed by this charter, the Council or by contractual agreement.
- (e) Comply with the Michigan Rules of Professional Conduct of the Michigan State Bar Association.

Upon the City Attorney's recommendation, or upon its own initiative, the Council may retain special legal counsel to handle any matters in which the city has an interest, or to assist the City Attorney.

Section 3.10 – Police Protection and Fire Protection

- (a) The Council shall provide for, establish and maintain police protection to enforce all laws, ordinances, and codes of the city through the creation of a police department, public safety department or by providing for police services by contract or intergovernmental agreement.
- (b) The Council shall provide for, establish and maintain fire protection and rescue services within the administrative division of the city. The Council shall have power to enact such ordinances and to establish and enforce such regulations and enter into intergovernmental or contractual agreements as it shall deem necessary.
- (c) If the city operates its own police and/or fire department, the police chief and/or fire chief shall be appointed by the City Manager, with advice and consent of Council, on the basis of education, ability, training and experience. The City Manager shall supervise these department chiefs and have authority of dismissal, with concurrence of Council.

Section 3.11 – City Planning Commission; Zoning and Zoning Board of Appeals

- (a) The Council shall maintain a City Planning Commission in accordance with and having all the powers and duties granted by the provisions of law relating to such commissions, and this charter including but not limited to the Michigan Planning and Enabling Act, and all other intergovernmental planning and zoning statutes which it deems beneficial to the health, safety and general welfare of the city.

- (b) The Council shall maintain a zoning ordinance in accordance with the provisions of the Michigan Zoning Enabling Act relating to such ordinances and this charter. The ordinance shall provide that zoning be coordinated with the work of the City Planning Commission.
- (c) The members of the Planning Commission and Zoning Board of Appeals shall be appointed by the Mayor subject to confirmation by the Council and shall be residents of the city. Their appointment, functions and duties shall be in accordance with statute and city ordinance.

Section 3.12 – Planning and Zoning Administrator

The Planning and Zoning Administrator shall enforce the city zoning ordinances and will receive functional and administrative supervision from the City Manager. The Planning and Zoning Administrator shall be appointed by the City Manager, with advice and consent of the city Council, on the basis of education, ability, training and experience. The City Manager shall supervise and have the authority of dismissal.

The Administrator or the Administrator's designee shall:

- (a) Issue all notices and orders to insure compliance with zoning ordinances and recommend prosecution if necessary;
- (b) Process all applications related to zoning compliance, site plans, special land use permits, and zoning variances;
- (c) Prepare documents, agenda, and supporting information for the planning commission and zoning board of appeals meetings;
- (d) Assess all fees authorized by state statute, city ordinance or city resolution;
- (e) Prepare and/or assist in developing a Master Plan; and
- (f) Perform all other duties as may be prescribed by state law, the ordinance and resolutions of the city Council or as directed by the City Manager.

Section 3.13 – Other Public Authorities, Board or Commissions

- (a) The City Council may create such entities as may be needed for the public health, safety and well-being of the city.
- (b) The City Council may enter into contracts and agreements to establish those public authorities, joint boards and commissions, cooperative agreements, and other similar entities and arrangements as may be permitted that they determine to be in the interests of the city.